

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

**MARK S. WAKEFIELD,**

Plaintiff,

v.

**WEBER STATE UNIVERSITY,**

Defendant.

**MEMORANDUM DECISION and  
REPORT AND RECOMMENDATION  
TO DISMISS THE COMPLAINT**

Case No. 2:10-cv-00129-DB

District Judge Dee Benson  
Magistrate Judge David Nuffer

District Judge Dee Benson referred this case to Magistrate Judge David Nuffer under 28 U.S.C. § 636(b)(1)(B).<sup>1</sup> Plaintiff Mark S. Wakefield is proceeding *pro se* and the court has allowed him to proceed *in forma pauperis*.<sup>2</sup> Mr. Wakefield filed a Motion for Service of Process and represented in the motion that “[t]he full names and addresses of the defendants are contained in the complaint.”<sup>3</sup> However, the complaint does not contain the appropriate service information.<sup>4</sup> Consequently, when the court granted Mr. Wakefield’s Motion for Service of Process, it ordered him to send the court “a listing of the names and addresses of persons upon whom service should be made under Rule 4, Federal Rules of Civil Procedure, to effect service on the following: Weber State University.”<sup>5</sup> The order clearly stated that Mr. Wakefield must

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<sup>1</sup>Order Referring Case, docket no. 9, filed September 20, 2010.

<sup>2</sup>*See* 28 U.S.C. § 1915.

<sup>3</sup>Motion for Official Service of Process, docket no. 5, filed August 18, 2010.

<sup>4</sup>*See* Civil Rights Complaint, docket no. 3, filed August 18, 2010.

<sup>5</sup>Order Granting Motion for Service of Process, docket no. 10, filed January 24, 2011.

provide this information to the court within fifteen days and warned that “[f]ailure to provide adequate information in a timely manner may result in dismissal of the complaint.”<sup>6</sup> Mr. Wakefield did not respond to the court’s order.

### **Recommendation**

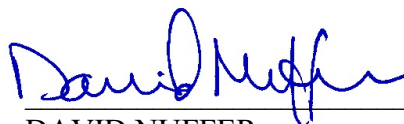
Accordingly, it is recommended that the District Judge dismiss the complaint for failure to comply with the court’s order.

### **Notice**

Copies of this Report and Recommendation are being mailed to the parties, who are hereby notified that they have fourteen days after being served to serve and file written objections to this Report and Recommendation. The District Judge will make a de novo determination of the specific objections by the parties. The District Judge may accept, reject, or modify this Report and Recommendation in whole or in part. Further, the District Judge may also receive additional evidence on the matter or recommit the matter to the Magistrate Judge with instructions.

DATED this 10th day of February, 2011.

BY THE COURT:



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DAVID NUFFER  
United States Magistrate Judge

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<sup>6</sup>*Id.* at 1.